

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
RICHARD D. GLAWSON)	
Plaintiff,)	
)	
v.)	Civil Action No. 04-12199-MLW
)	
ROBERT KEATON, et al)	
Defendants)	
_____)	

DEFENDANT ROBERT COSGROVE'S
MOTION TO DISMISS

Defendant Robert Cosgrove respectfully requests that the Court dismiss him from this lawsuit. Cosgrove must be dismissed from this suit because (1) the Eleventh Amendment bars the claims against him; (2) he is not a "person" within the meaning of 42 U.S.C. § 1983, and thus cannot be sued under that statute; and (3) Cosgrove, an assistant district attorney, is entitled to both absolute and qualified immunity. Consequently, Cosgrove should be dismissed from this litigation with prejudice. In support of his motion, Cosgrove relies on the memorandum of law submitted herewith.

WHEREFORE, this motion should be allowed and an order should issue dismissing Cosgrove from this lawsuit with prejudice.

Respectfully submitted,
THOMAS F. REILLY
ATTORNEY GENERAL

/s/ Susanne G. Reardon
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December 21, 2005

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the attached documents was served upon petitioner, Richard Glawson, pro se, 20 Administration Road, Bridgewater, MA 02324, by first class mail, postage pre-paid, on December 21, 2005.

/s/ Susanne G. Reardon
Susanne G. Reardon
Assistant Attorney General